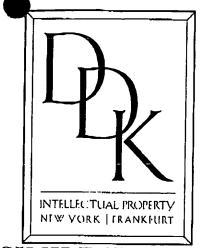
xt:

CLIFFORD M. DAVIDSON
LESLYE B. DAVIDSON
LESLYE B. DAVIDSON
CARY S. KAPPEL
WILLIAM C. CEHRIS
MOREY B. WILDES
ROBERT J. PARADISO
ERUK R. SWANSON**
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*ADMITTED IN NEW JERSEY ONLY
***DDK EUROPE

FACSIMILE TRANSMITTAL

FROM: William C. Gehris, Reg. No. 38,156

DATE: April 23, 2004

OUR REF: 521.1004

NO. OF PAGES (including cover): 12

PLEASE DELIVER THE FOLLOWING TO:

Recipients(s):

Fax Number:

PCT Legal Office - Mail Stop PCT

(703) 308-6459

MESSAGE:

Re.: Serial No. 09/890,503 - Request for Reconsideration

Dear Sirs:

Applicants respectfully request reconsideration of the Renewed Petition under 37 CFR 1.181(a) dated April 21, 2003. Faxed herewith please find true copies of the following documents:

- Copy of Stamped Return Receipt Postcard dated April 21, 2003;
- Copy of PTO-1083 Transmittal Form dated April 21, 2003 (1 pg);
- Copy of Renewed Petition Under 37 CFR 1.181(a) dated April 21, 2003 (3 pgs);
- Copy of Response to Notice to File Missing Requirements dated November 2, 2001 (1 page);
- Copy of Notification of Missing Requirements dated September 13, 2001 (1 page);
- Copy of Executed Declaration (2 pgs);
- Copy of Check for \$130.00;
- Copy of Stamped Return Receipt Postcard dated November 2, 2001;

RECEIVED

23 APR 2004

Legal Staff
International Division

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being facsimile transmitted to the United States Patent and Trademark Office (Facsimile number (703) 308-8459) on April 23, 2004.

William Gehris (Reg. No. 38,156)

CONFIDENTIALITY NOTICE: The documents accompanying this facsimile transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this facsimile information is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original documents to us.

IF THERE ARE ANY PROBLEMS WITH RECEPTION OF THIS FAX, PLEASE CALL OR FAX SENDER TO ADVISE. THANK YOU.

Our Ref. 521.1004

April 21, 2003

WCG:JMD

Re:

DDK

Pressures Qua

Application Transmittal of: Wolfgang KREMERS, et al.

Serial No.:

09/890,503

Filed:

July 31, 2001

For:

SELF-RECOVERING CURRENT-LIMITING DEVICE

WITH LIQUID METAL

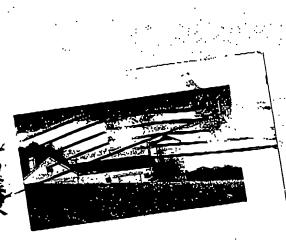
Enclosed Are:

Enclosed Are:
- PTO-1083 Transmittal Form (1 pg);
- Renewed Petition Under 37 CFR 1.181(a) (3 pgs);
- Copy of Response to Notice to File Missing Requirements (1 page);
- Copy of Notification of Missing Requirements (1 page);
- Copy of Executed Declaration (2 pgs);

Copy of Check for \$130.00;
 Copy of Stamped Return Receipt Postcard;

MAILED WITH FIRST CLASS MAIL CERTIFICATION

BOX: OFFICE OF PETITIONS/PCT RECEIVED BY:



DAVIDSON DAVIDSON & KAPPEL LLC 485 SEVENTH AVE. NEW YORK, NY 10018

ASSISTANT COMMISSIONER FOR PATENTS Washington, DC 20231

Docket No.: 521.1004 Date: April 21, 2003

In re application of:

Wolfgang KREMERS, et al.

Serial No.: Filed:

09/890,503 July 31, 2001

DDK

For:

SELF-RECOVERING CURRENT-LIMITING DEVICE WITH LIQUID METAL

Sir:

Transmitted herewith is a Renewed Petition under 37 CFR 1.181(a) (3 pages) in the above-identified application.

Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established. Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.

No fee for additional claims is required.

A filing fee for additional claims calculated as shown below, is required:

· · · · · · · · · · · · · · · · · · ·	
AMENIOMENT PRESENT	LARGE ENTITY R RATE FEE
TOTAL CLAIMS * MINUS** = 0 x \$ 9 \$ INDEP. CLAIMS * MINUS** = 0 x \$ 40 \$ CLAIMS THE PRESENTATION OF MULTIPLE DEP. CLAIM + \$135 \$	x \$ 18 S x \$ 80 \$ + \$270 \$
TOTAL: \$ OR	TOTAL: \$

If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.

If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

[X]Also transmitted herewith are:

[] Petition for extension under 37 C.F.R. 1.136 (in duplicate)

[X] Other: Stamped Return Receipt Postcard; Check for \$130;

Response to Notice to File Missing Requirements; Notice to File Missing Requirements; Executed

Check(s) in the amount of \$.00 is/are attached to cover: []

[] Filing fee for additional claims under 37 C.F.R. 1.16

[] Petition fee for extension under 37 C.F.R. 1.136

[] Other:

The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this [X]. communication or credit any overpayment to Deposit Account No. 50-0552.

Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by [X] check submitted herewith.

Any patent application processing fees under 37 C.F.R. 1.17. [X]

Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, [X]and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR

> William C. Gehris, Reg. No. 38,156 DAVIDSON, DAVIDSON & KAPPEL, LLC 485 Seventh Avenue, 14th Floor

New York, New York 10018

Tel: (212) 736-1940

Fax: (212) 736-2427

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mall" in an envelope addressed to "Assistant Commissioner for Patents, Washington, D.C. 20231" on

DAVIDSON, DAVIDSON & KAPPEL, LLC

521.1004

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Re:

Application of:

Wolfgang KREMERS et al.

Serial No.:

09/890,503

Filed:

07/31/2001

For:

SELF-RECOVERING CURRENT-LIMITING

DEVICE WITH LIQUID METAL

Art Unit:

Not yet assigned

RENEWED PETITION UNDER 37 CFR 1.181(a) REQUESTING WITHDRAWAL OF THE HOLDING OF ABANDONMENT

Assistant Commissioner for Patents Washington, D.C. 20231

April 21, 2003

BOX OFFICE OF PETITIONS/PCT

Sir:

In response to the Notice of Abandonment dated November 13, 2002, a copy of which is enclosed, Applicants again petition the Assistant Commissioner for Patents to withdraw the holding of abandonment under 37 CFR 1.181(a).

It is respectfully requested that the Decision dated April 14, 2003 be reconsidered, as the Applicants sole error was a typographical mistake on a postcard and all evidence points to a proper response to the Notification of Missing Requirements.

Applicants responded to the Notification of Missing Requirements in this matter on November 2, 2001. The response was submitted with a check for \$130.00 which was clearly received by the USPTO since it was deducted on February 4, 2002. Further the return receipt

postcard was received, stamped on February 4, 2001, and returned to the applicants. Therefore the applicants did not fail to respond to the Notice of Missing Requirements, as stated in the Notice of Abandonment. The return receipt postcard clearly indicated the submission of a response to the Notice of Missing Requirements. The postcard erroneously itemized an executed assignment instead of an executed declaration. This was a secretarial, typographical error on the postcard only.

The actual response to the Notice of Missing Requirements indicated that an executed Declaration/Power of Attorney form signed by the inventors was enclosed. The check and the Response were received and so should have been the executed declaration mentioned in the Response (see highlighted section).

If the Response were somehow defective, Applicants normally would have a chance to correct it. However, no such chance was provided, as the problem appears to have been that no documents were received by the PTO, not that no declaration was received.

The declaration document had been signed and dated by the three inventors on July 30, 2001 and August 1, 2001 respectively. This date was before the filing of the response to the notice of Missing Requirements on November 2, 2001.

Moreover the corresponding executed assignment had been filed for recordation with the Assignment Office on November 2, 2001, the same date as the Response to the Notice of Missing Requirements. The executed assignment was recorded on February 25, 2002 under reel 012644 and frame 0268. If the assignment was filed and received by the PTO it is clear that the attached document sent in the Response to the Notice of Missing Requirements and noted on the postcard, was not an assignment, and was the declaration stated in the Response.

Please find enclosed copies of the Response to Notice to File Missing Requirements with a signed Certificate of First Class Mail dated November 2, 2001 (1 page), a copy of the filed executed Declaration/PoA (2 pages), a copy of the check for \$130.00, a copy of the Notification of Missing Requirements (1 page), and a copy of the stamped Return Receipt Postcard (1 page).

Applicant believes that there was no failure to timely file a proper reply to the Office letter mailed on September 13, 2001. Therefore Applicants again petition the Assistant Commissioner for Patents to withdraw the holding of abandonment.

No fee is believed due. However if any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

William C. Gehris

Reg. No. 38,156

Davidson, Davidson & Kappel, LLC 485 Seventh Avenue, 14th Floor New York, New York 10018 (212) 736 - 1940

521.1004

UNITED STATES PATENT & TRADEMARK OFFICE

Re:

Application of:

Wolfgang KREMERS et al.

Serial No.:

09/890,503

Filed:

July 31, 2001

For:

SELF-RECOVERING CURRENT-LIMITING

DEVICE WITH LIQUID METAL

RESPONSE TO NOTICE TO FILE MISSING PARTS

BOX: MISSING PARTS

Assistant Commissioner for Patents

Washington, D.C. 20231

November 2, 2001

Sir:

In response to the Notification of Missing Requirements dated September 13, 2001, a copy of which is enclosed, please find an executed Declaration/Power of Attorney form signed by the inventors, and a check in the amount of \$130.00 covering the filing surcharge.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

William C. Gehris Reg. No. 38,156

Davidson, Davidson & Kappel, LLC

485 Seventh Avenue, 14th Floor New York, New York 10018

(212) 736 - 1940

I hereby cartify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as first class mail in an envelope addressed to "Assistant Commissioner for Parents, Washington, D.C. 20231 on November 2, 2001.

DAVIDSON, DAVIDSON & KAPPEL, LLC



UNITED STATES PATENT AND TRADEMARK OFFICE

DAVIDSON, DAVIDSON & KAPPEL LLC 48S SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10016 NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C., 371 NN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/BOVIS) 1. The following items have been submitted by the applicant on the fill to the United Super Planta and Trademark Office as	On water			United Stat	mmissioner for Pe es Parent and Tre Washingi	stents, Box PCT ademark Ornca ton, D.C. 20231
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2. Applicant has requested early processing under 35 U. S.C. 371() but has not filed the following indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment. U.S. Basic National Fee. Copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment. U.S. Basic National Fee. Copy of the international application. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371: a. Trunslation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date. The current translation is defective for the reasons indicated on the attached Notice of Defective Trunslation. b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CPR 1.492(t)). c. Collin of eclaration of the inventors, in compliance will 37 CPR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filling date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date over translated 164900/56934. Unoxecuted d. Surcharge for providing tion oath or declaration later than the appropriate 20 or 30 months from the priority date over translated the additional claim fees or Caucal (b) for the reasons indicated evaluations fees of S. Colon of the Annexe State of the	Translation of Annexes to the Internation	onal Preliminary Evamination	Annexes, if any.			
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3. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 33 U.S.C. 371: a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date. Translation. D. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CPR 1.492(f)). Total or declaration of the inventors, in compliance with 37 CPR 1.497(a) and (b), properly identifying the application in processing fee for providing the inventors, in compliance with 37 CPR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filling date). A date. The current oath or declaration does not comply with 37 CPR 1.497(a) and (b) for the reasons indicated on the stimehol Petropology-19-19-19-19-19-19-19-19-19-19-19-19-19-	prior to 20 or 30 months from the priority date to an	oid abandonnient.	me international a	ng indication	ed items and/o n must be filed	Эг
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The Article 19 amenditions are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) pplicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the lidress given in the heading and include the U.S. application no. shown above. (37 CFR 1.5) A copy of this notice MUST be returned with this response. PCT/DO/EO/917 Notice of Defective Translation PTO-875 Tamala D. Hollandy	If box 3a or 3c is checked a					
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Telephone: 703-305-5483		Tamala D	D. Holland	<u>uu</u>	0ED: 4 =	2001
	0. 20.202 (Match 2001)	Telephone: 703-3	05-5483		SEP 17	∠vuı

Docket No.:521.1004

As a below named inventor, I hereby declare that:

DDK

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled:

SELF-RECOVERING CURRENT-LIMITING DEVICE WITH LIQUID METAL

SELF-RECOVERING CURRENT-LIMI the specification of which (check one)	TING DEVICE WITH LIC	UID METAL	ght on the invention entitled:
is attached hereto			
was filed on 22 January 2000 (if applicable).	as International Applicati	on Senal No. PCT/EP00/00479 a	nd was amended on
I hereby authorize and reque York. New York 10018 to insert here in filed) the	st our attorneys, Davids parentheses (application	on, Davidson & Kappel, LLC of number.	485 Seventh Avenue, New
filed) the) the) the ! hereby state that I have reviewed an as amended by any amendment referen	ed to above	its of the above-identified specific	cation, including the claims
l acknowledge the duty to disclose all in defined in Title 37, Code of Federal Rei	nformation that is known	to me to be material to the paten	tability of this application as
hereby claim foreign priority benefapplication(s) for patent or inventor's capplication for patent or inventor's certif	its under Title 35, Unit ertificate listed below ar icate having a filing date	ed States Code, §119 of any and have also identified below and before that of the application on the section of the application on the section of the sectio	foreign and/or provisional of foreign and/or provisional which priority is claimed.
DE 199 03 837.6	Germany .		Priority claimed
Number	Country	1 February 1999 Day/Month/Year Filed	Yes No
lumber	Country	Day/Month/Year Filed	Pnority claimed Yes No
hereby claim the benefit under Title 3 asofar as the subject matter of each of	5, United States Code,	§120 of any United States appli	cation(s) listed below and

insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35. United States Code, §112, I acknowledge the duty to disclose the prior application as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial Number			
- Spineston Serial Number	Day/Month/Year Flied	Status	
Application Serial Number	5		
And I hereby appoint Clifford M. Davidson Barnet	Day/Month/Year Filed	Status	

And I hereby appoint Clifford M. Davidson, Reg. No. 32,728, Leslye B. Davidson, Reg. No. 38,854, Cary S. Kappel, Reg. No. 36,561, William C. Gehris, Reg. No. 38,156, Morey B. Wildes, Reg. No. 36,968, Robert J. Paradiso, Reg. No. 41,240, Enk R. Swanson, Reg. No. 40,833, Thomas P. Canty, Reg. No. 44,586, Livia S. Boyadjian, Reg. No. 34,781, and all other registered attorneys and agents at Davidson, Davidson & Kappel, LLC, U.S. Patent and Trademark Office Customer Number 23280, my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all & KAPPEL, LLC, 485 Seventh Avenue, 14th Floor, New York, New York 10018; Telephone: (212) 736-1940; Fax: (212) 736-2427.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

	- may jeopardize the val
Full name of sole or first inventor	Wolfgang KREMERS
inventors signature	WM an Hrome
Date	30.07.01
Residence	Bonn, Germany
Posi Office Address	Kapitelshof 30, D - 53229 Bonn, Germany

Full name of additional inventor	Frank BERGER
Inventors signature	- Kan Buh
Date	01.08. 07
Residence	Swistal - Miel, Germany
Post Office Address	Spiessgarten 2, D - 53913 Swistal - Miel. Germany

DECLARATION AND POWER OF ATTC



COPY

Full name of			Docket No.:521.1004
additional inventor	Andreas KRAETZSCHMAR	Full name of additional inventor	.•
signature	tt. Phasar	Inventor's signature	
Date	1. August 2001	Date	
Residence	Bonn, Germany	Residence	
Post Office	Edith - Stein - Anlage 21,		<u> </u>
Address	Edith - Stein - Anlage 21, D - 53123 Bonn, Germany	Past Office Address	•
Citizenship	German	Cltizenship	
Full name of			
additional Inventor		Full name of additional inventor	·
signature		Inventor's signature	
Date		Date	
Residence		Residence	
Post Office Address		Post Office Address	·
Cltizenship		Citizenship	
Full name of additional inventor			
·Inventor's signature		Full name of additional inventor	
Date		Inventor's signature	
Residence		Date	
TESIOETES		Residence	
Post Office Address		Post Office	
Citizenship		Citizenship	
Full name of			
additional Inventor		Full name of additional inventor	
signature		Inventor's signature	
Date	·	Date	
Residence		Residence	
Post Office Address		Post Office	
Citizenship		Address	
		Citizenship	

Our Ref. 521,1004

November 2, 2001

WCG:JMD:cc

Re:

PCT International Application Transmittal of.

Wolfgang KREMERS, et al.

Scrial No.: Filed:

09/890,503

For.

July 31, 2001

SELF-RECOMERING CURRENT-LIMITING DEVICE WITH LIQUID METAL

Enclosed Are:

- Response to Notice to file missing parts (1 page);

- Notification of Missing Requirements (1 page);

-Executed Assignment (2 pages);

- Check for \$130.00

MAILED BY FIRST CLASS MAIL VIA U.S. POSTAL SERVICE

BOX: MISSING PARTS

RECEIVED BY:

JC10 Rec'd PCT/PTO 0 4 FEB 2002